

(File this application via e-docket, or if unable to do so, file one original verified application with the Chief Clerk.)

Docket No. \_\_\_\_\_  
ICC Office Use Only

Please provide the appropriate information in the ( ) areas in the heading below.

CityNet Telecom, Inc,

Application for a certificate of  
local authority to operate as a  
facilities-based carrier of telecommunications  
services in Chicago  
in the State of Illinois.

01-0121

APPLICATION FOR CERTIFICATE TO BECOME A  
TELECOMMUNICATIONS CARRIER  
(Use additional sheets as necessary.)

GENERAL

1. Applicant's Name(including d/b/a, if any)

FEIN # 51-039151

CityNet Telecom, Inc.

Address: Street 8403 Colesville Road, 14<sup>th</sup> Floor  
City Silver Spring State/Zip MD 20910

2. Authority Requested: (Mark all that apply) ☒ 13-403 Facilities Based Interexchange

☒ 13-404 Resale of Local and/or Interexchange

☒ 13-405 Facilities Based Local

3. Request for waivers/variances: In applications for local exchange service authority under Sections 13-404 or 13-405, waivers of Part 710 and of Section 735.180 of Part 735 are generally requested. In applications for interexchange service authority under Sections 13-403 and 13-404, waivers of Part 710 and Part 735 are generally requested. Please indicate which waivers Applicant is requesting and explain why Applicant is requesting each waiver/variance.

☒ Part 710 Uniform System of Accounts for Telecommunications Carriers

☒ Part 735 Procedures Governing the Establishment of Credit, Billing,  
Deposits, Termination of Service and Issuance of Telephone  
Directories for Local Exchange Telecommunications Carriers in  
the State of Illinois

X   Section 735.180 Directories

       Other

4. For all applicants requesting local exchange authority under Section 13-404 or Section 13-405, please complete the following:
- (a) the Standard Questions for Applicants Seeking Local Exchange Service Authority found in Appendix A of this document
  - (b) the 9-1-1 Questions for Applicants Seeking Local Exchange Service Authority found in Appendix B of this document;
  - (c) the Financial Questions for Applicants Seeking Local Exchange Service Authority found in Appendix C of this document; and
  - (d) if applicable, the Prepaid Service Questions for Applicants Seeking Local Exchange Service Authority found in Appendix D of this document.
5. In what area of the state does the Applicant propose to provide service?

**Applicant initially proposes to provide service in the Chicago metropolitan area.**

6. Please attach a sheet designating contact persons to work with Staff on the following:

- a) issues related to processing this application

**Presley R. Reed  
Vice President – Regulatory  
14<sup>th</sup> Floor  
8403 Colesville Road  
Silver Spring, MD 20910  
Tel: (301) 608-2131  
Toll free: 888-248-9184  
Fax: (301) 608-8121  
E-mail: rreed@citynettelecom.com**

- b) consumer issues

**Presley R. Reed  
Vice President – Regulatory  
14<sup>th</sup> Floor  
8403 Colesville Road  
Silver Spring, MD 20910  
Tel: (301) 608-2131  
Toll Free: 888-248-9184  
Fax: (301) 608-8121  
E-mail: rreed@citynettelecom.com**

- c) customer complaint resolution

**Presley R. Reed  
Vice President – Regulatory  
14<sup>th</sup> Floor  
8403 Colesville Road  
Silver Spring, MD 20910**

Tel: (301) 608-2131  
Toll Free: 888-248-9184  
Fax: (301) 608-8121  
E-mail: rreed@citynettelecom.com

- d) technical and service quality issues

Presley R. Reed  
Vice President - Regulatory  
14<sup>th</sup> Floor  
8403 Colesville Road  
Silver Spring, Maryland 20910  
Phone: (301) 608-2131  
Fax: (301) 608-8121  
Toll Free: (888) 248-9184

- e) "tariff" and pricing issues

Presley R. Reed  
Vice President - Regulatory  
14<sup>th</sup> Floor  
8403 Colesville Road  
Silver Spring, MD 20910  
Tel: (301) 608-2131  
Toll free: (888) 248-9284  
Fax: (301) 608-8121  
Email: rreed@citynettelecom.com

- f) 9-1-1 issues

**Not Applicable. The Applicant will not offer voice services at the present time. If and when Applicant decides to provide voice services, Applicant will submit a contact name to the Commission.**

- g) security/law enforcement

Mark R. Perkell  
Senior Vice President - General Counsel  
14<sup>th</sup> Floor  
8403 Colesville Road  
Silver Spring, MD 20910  
Tel: (301) 608-2131  
Toll free: (888) 248-9284  
Fax: (301) 608-8121  
Email: rreed@citynettelecom.com

Please identify each contact person's (i) name, (ii) title, (iii) mailing address, (iv) telephone number, (v) facsimile number, and (vi) e-mail address.

7. Please check type of organization?

\_\_\_\_ Individual                        X   Corporation

\_\_\_\_ Partnership

Date corporation was formed   June 8, 2000  

In what state?   Delaware  

Other (Specify) \_\_\_\_\_

8. Submit a copy of articles of incorporation and a copy of certificate of authority to transact business in Illinois. *See Exhibits A, Articles of Incorporation. Exhibit B, CityNet's certificate of authority is currently pending and CityNet will post-file this certificate as soon as it becomes available.*
9. List jurisdictions in which Applicant is offering service(s).

Applicant currently is authorized to provide service in Indiana, Louisiana, Michigan and Rhode Island, and provisional authority in Pennsylvania, and currently has applications pending in: Arizona, California, District of Columbia, Georgia, Maryland, Minnesota, Nebraska, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Texas, and Washington. An affiliate, CityNet Telecom of Virginia, Inc. ("CityNet-VA") is authorized to provide service within the Commonwealth of Virginia.

10. Has the Applicant, or any principal in Applicant, been denied a Certificate of Service or had its certification revoked or suspended in any jurisdiction in this or another name?

\_\_\_\_\_ YES (Please provide details)    X \_\_\_\_\_ NO

11. Have there been any complaints or judgements levied against the Applicant in any other jurisdiction?

\_\_\_\_\_ YES    X \_\_\_\_\_ NO

If YES, describe fully. \_\_\_\_\_

12. Has Applicant provided service under any other name?

\_\_\_\_\_ YES    X \_\_\_\_\_ NO

If YES, please list. \_\_\_\_\_

13. Will the Applicant keep its books and records in Illinois? \_\_\_\_\_ YES    X \_\_\_\_\_ NO

If NO, permission pursuant to 83 Ill. Adm Code Part 250 needs to be requested.

Pursuant to ILL. ADMIN. CODE TIT. 83, § 250.20, the Applicant requests a waiver from the Commission of the requirements contained in to ILL. ADMIN. CODE TIT. 83, § 250.10, and requests the authority to maintain its books, accounts, papers, records, memoranda etc. at its company headquarters in Silver Spring, Maryland, where all of the personnel responsible for the maintenance of such documentation are located. Establishing and maintaining a location in the State of Illinois solely to keep its books and accounts in Illinois would create a significant additional cost to the Company's operations and would be unduly burdensome. CityNet will be represented by a statutory agent located within the State of Illinois and will provide the Board with access to its books and records upon request.

#### **MANAGERIAL**

14. Please attach evidence of the applicant's managerial and technical resources and ability to provide service. This may be in either narrative form, resumes of key personnel, or a combination of these forms. *See Exhibit C.*

15. List officers of Applicant.

<u>Robert J. Berger</u>	<u>President &amp; Chief Executive Officer</u>
<u>Emilio R. Pardo</u>	<u>Sr. Vice President, Chief Communications Officer</u>
<u>Debra R. Hoopes</u>	<u>Sr. Vice President, Chief Financial Officer</u>
<u>Stephen L. Merrill</u>	<u>Sr. Vice President, Engineering and Operations</u>
<u>Vicki S. Abernathy</u>	<u>Sr. Vice President, Chief Administrative Officer</u>
<u>Steven L. Dodd</u>	<u>Sr. Vice President, Chief Operating Officer</u>
<u>Cyrus M. Bamji</u>	<u>Vice President, Marketing and Communications</u>

16. Does any officer of Applicant have an ownership or other interest in any other entity which has provided or is currently providing telecommunications services? ☐ YES ☒ NO

If YES, list entity. \_\_\_\_\_

17. How will Applicant bill for its service(s)? (At a minimum, describe how often the Applicant will bill for service and details of the billing statement.)

**The Applicant will render its own bills and send them directly to its customers on a monthly basis. Monthly billing statements will consist of service usage volumes, circuit end points, contact information for billing and service questions, and dollar amounts to be remitted to CityNet Telecom, Inc.**

18. How does Applicant propose to handle service, billing, and repair complaints? (At a minimum, describe Applicant's internal process for complaint resolution, the complaint escalation process, the timeframe and process by which the customer is notified by Applicant that they may seek assistance from the Commission?)

CityNet's customer service representatives will be available to assist its customers with service, maintenance and billing issues. Specifically, CityNet's customer services representatives are prepared to respond to a broad range of service matters, including inquiries regarding: (1) the types of services offered by CityNet and the rates associated with such services; (2) monthly billing statements; (3) problems or concerns pertaining to a customer's current service; and (4) general telecommunications matters.

For service issues, customers may contact CityNet's customer services department 24 hours a day, seven days a week, by calling them toll-free at (888) 248-9184. For billing issues, customers may contact CityNet's billing services department between the hours of 9 a.m. and 5 p.m., Monday through Friday, by calling them toll-free at (888) 248-9184. Customers wishing to communicate with a customer service representative in writing can write to CityNet at:

CityNet Telecom, Inc.  
8403 Colesville Road  
Silver Spring, Maryland 20910

CityNet has the ability to respond to customer complaints and inquiries both promptly and efficiently. Where a customer notifies the Company of a dispute with the Company's billing, service quality, service maintenance or service product, the Company will make every effort to resolve the registered complaint in an expeditious and fair manner. Depending upon the nature and the amount involved, the complaint may be resolved verbally at the time of the customer's call or shortly thereafter. For example, certain customer service representatives in the Company's complaint department are authorized to immediately and without further consultation resolve customer complaints of a specified monetary amount. Complaints of a more detailed nature and for larger monetary amounts may necessitate consultation with managerial staff and the need for an in-depth investigation and review of the issue.

The length of such investigations will vary on a case by case basis but, generally speaking, the Company expects to resolve most complaints within one to two weeks. Where internal investigations are necessary, the Company will notify the customer, in writing, of the results of its review. If the customer remains dissatisfied with the result of a review, and if complaint resolution cannot be reached internally, the Company will inform the customer of its right to file an appropriate complaint with the Commission to seek the Commission's assistance, and will provide the customer with the Commission's address and telephone number.

CityNet has the ability to perform the maintenance necessary to ensure compliance with the quality requirements set forth in the Commission's rules. To this end, CityNet will fully comply with the Commission's rules for service quality. CityNet will provide repair and maintenance services for its customers in joint arrangement with strategic channel partners, or third party sales agents (such as local phone interconnect and local area network ("LAN") system integration companies, or customer premises equipment ("CPE") vendors). Upon provision of service, CityNet's qualified technical staff will be on call twenty-four (24) hours a day, seven (7) days a week. The incumbent local exchange carrier ("ILEC") will be involved in maintenance issues only where it is necessary to resolve issues specific to the ILEC's network.

19. Will personnel be available at Applicant's business office during regular working hours to respond to inquiries about service or billing?  X  YES   NO

20. What telephone number(s) would a customer use to contact your company?

(888) 248-9184

21. Will Applicant abide by all Federal and State slamming and cramming laws pursuant to Section 13-902 of the Public Utilities Act and Section 258 of the 1996 Telecommunications Act?

X  YES, if CityNet begins to offer service to end-users   NO

22. Please describe applicant's procedures to prevent slamming and cramming of customers?

Not Applicable. CityNet will not be offering voice services to end-users at this time; but if CityNet does offer voice services to end-users in the future, it will comply with Section 13-902 of the Public Utilities Act and Section 258 of the 1996 Telecommunications Act.

23. If granted authority to operate as a local exchange carrier, will the applicant abide by the following 83 Illinois Administrative Code Parts: 705, 710, 720, 725, 730, 735, 755, 756, 757, 770, and 772?

☒ YES ☐ NO (If no, please provide an explanation.)

Applicant will abide by all rules and regulations relevant to its operations. Because Applicant does not intend to provide voice or dial tone service, many of the Code Parts cited above do not apply to Applicant, for example, those Parts relevant to 911 service. However, Applicant will abide by the Code Parts applicable to all service providers. In addition, if Applicant provides voice or dial tone service in the future, it will abide by all of the Code Parts listed above.

24. Is Applicant aware that it must file tariffs prior to providing service in Illinois?

☒ YES ☐ NO

#### FINANCIAL

25. Please attach evidence of Applicant's financial fitness through the submission of its most current income statement and balance sheet, or other appropriate documentation of applicant's financial resources and ability to provide service.

Please see *Exhibit D*. Due to the confidential and proprietary nature of Applicant's financial information, *Exhibit D* has been filed under seal.

#### TECHNICAL

26. Does Applicant utilize its own equipment and/or facilities? ☒ YES ☐ NO

If YES, please list the facilities Applicant intends to utilize. Also include evidence that Applicant possesses the necessary technical resources to deploy and maintain said facilities:

CityNet intends to deliver its fiber optic local exchange network services on a wholesale basis to businesses and carrier-customers. CityNet's network topology envisions initially installing mini-fiber rings in metropolitan markets, with each ring supporting fiber loops to significant numbers of high rise and office park or campus end user buildings both commercial and residential in nature, as well to multiple central offices, carrier hotels, or like aggregation points. CityNet expects that its optical infrastructure will support a variety of network designs adopted by carrier customers, including SONET ring and point-to-point network designs.

If NO, which facility provider(s)'s services does the Applicant intend to use?

Not Applicable

27. Please describe the nature of service to be provided (e.g., operator services, internet, debit cards, long distance service, data services, local service, prepaid local service).


CityNet plans to operate as a nationwide and international "carrier's carrier" by deploying its broadband fiber optic local exchange network in domestic high-density markets. As a carrier's carrier, CityNet anticipates leasing its fiber optic network capacity on a wholesale basis to business customers and other carriers such as competitive local exchange carriers ("CLECs") and competitive access providers ("CAPs"). CityNet's broadband fiber optic network will provide transport and termination of local voice and data communications within targeted markets, and the origination and termination of intrastate interexchange telecommunications services throughout the state.

28. Will technical personnel be available at all times to assist customers with service problems?

  X   YES        NO



29. If Applicant intends to provide payphone service, will the equipment utilized comply with FCC requirements and Finding (9) of the Commission Order entered in Docket No. 84-0442 on June 11, 1986, including, but not limited to: (a) touch dialing; (b) access to 9-1-1 and "0" operator dialing without use of a coin; (c) rules governing use of payphones by disabled persons; (d) ability to complete local and long-distance calls; (e) unlimited duration for local calls; and (f) a message explaining the telephone's general operations, dialing instructions for emergency assistance, payphone owner's name, method of reporting service problems and method of receiving credit for faulty calls?    N/A    \_\_\_\_\_YES    \_\_\_\_\_NO

  
(Signature of Applicant)

## VERIFICATION

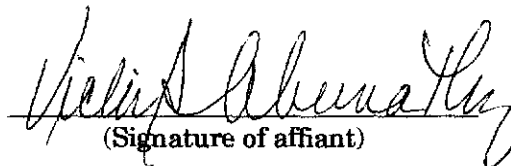
This application shall be verified under oath.

## OATH

State of Maryland )  
County of Montgomery )ss

Vicki S. Abernathy makes oath and says that he is the Senior Vice President,  
Chief Administrative Officer of CityNet Telecom, Inc.;

that he has examined the foregoing application and that to the best of his knowledge, information, and belief, all statements of fact contained in the said application are true, and the said application is a correct statement of the business and affairs of the above-named applicant in respect to each and every matter set forth therein.

  
(Signature of affiant)

Subscribed and sworn to before me, a Notary Public/ \_\_\_\_\_  
(Title of person authorized to administer oaths)

in the State and County above named, this 20 day of December, 2000.

  
(Signature of person authorized to administer oath)

MY COMMISSION EXPIRES  
JULY 24, 2004